



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

February 18, 1998

Ms. Janet M. Dill  
Assistant City Attorney  
Criminal Law and Police Division  
City of Dallas  
City Hall  
Dallas, Texas 75201

OR98-0479

Dear Ms. Dill:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 113466.

The City of Dallas (the "city") received an open records request for the records pertaining to a particular code enforcement case. You explain that the records at issue are part of the evidence collected during an investigation being conducted by the city's S.A.F.E. Team. You explain that the

S.A.F.E. Team [is] a division of the Dallas Police Department. . . . S.A.F.E. Team was created to combat urban deterioration, by addressing health and safety concerns of the community, namely health code violations that can result in unnecessary fatalities. A team of fire and housing inspectors are pooled to comprise this team. Each citation issued from this team is heard in the Special Ordinance Court (meant to deal with the multiple violators).

You seek to withhold the requested information pursuant to section 552.108 of the Government Code.<sup>1</sup>

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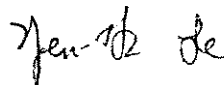
<sup>1</sup>Although you actually cited to sections 552.101 and 552.021 of the Government Code, we infer from your arguments to this office that you intended to raise section 552.108.

Section 552.108(a)(1) of the Government Code excepts from required public disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime[.]" Because you state that the records at issue pertain to a pending criminal investigation, we conclude that you have met your burden of establishing that the release of the requested information at this time could interfere with law enforcement or prosecution. The city therefore may withhold most of the requested information at issue at this time pursuant to section 552.108(a)(1).

We note, however, that section 552.108 does not except from required public disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). The city must release these types of information in accordance with *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/RWP/rho

Ref.: ID# 113466

Enclosures: Submitted documents

cc: Ms. Velma L. Lozano  
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(w/o enclosures)